

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

A.M., by and through his mother and
next friend, Aparna Deora, Ph.D.,

Plaintiff,

v.

BRIDGECREST ACCEPTANCE
CORPORATION d/b/a BRIDGECREST,

Defendant.

Case No. 4:20-CV-00553

**DEFENDANT BRIDGECREST ACCEPTANCE CORPORATION d/b/a
BRIDGECREST'S RENEWED MOTION TO STAY**

Defendant Bridgecrest Acceptance Corporation d/b/a Bridgecrest (“Bridgecrest”) hereby respectfully moves this Court to stay this action. This Court previously stayed this action, by Order dated June 26, 2020 (Dkt. 30), pending resolution of the United States Supreme Court’s decision in *Barr v. American Association of Political Consultants*, Appeal No. 19-631. On July 6, 2020, the United States Supreme Court issued its Order in *Barr*, ruled that the government debt collection exception to the Telephone Consumer Protection Act (“TCPA”) was unconstitutional, and severed that provision from the TCPA. This Court lifted the stay the following day. On July 9, 2020, the Supreme Court granted certiorari in *Facebook, Inc. v. Duguid*, Appeal No. 19-511, to address the definition of an “automatic telephone dialing system” (“ATDS”) under the TCPA, an issue on which the Circuit Courts of Appeals are deeply and irreconcilably divided.

As this Court recognized in granting a stay pending the resolution in *Barr*, any decision by the Supreme Court to grant certiorari in *Facebook* and address the definition of an ATDS will impact the resolution of this case. Accordingly, the Court indicated it would entertain a renewed motion to stay in the event the Supreme Court granted certiorari in *Facebook*, which it now has

done. Contemporaneous with this Motion, Bridgecrest is filing its Memorandum In Support, which is incorporated herein by this reference.

WHEREFORE Bridgecrest respectfully requests that this Court enter an Order staying this action pending the Supreme Court's decision in *Facebook v. Druguid*, Appeal No. 19-511, and for such other and further relief as this Court deems just and equitable.

Dated: July 13, 2020

Respectfully submitted,

By: /s/Juliet A. Cox

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on this 13th day of July, 2020, a true and correct copy of the above and foregoing document was filed with the Court's CM-ECF system which will provide notice to all counsel of record.

/s/ Juliet A. Cox

ATTORNEY FOR DEFENDANT